

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

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UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
BENJAMIN JOHN HIGGERSON)
)
Defendant.)

OCT 24 2016

CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

CASE NO. 3:16-cr-26

REPORT AND RECOMMENDATION CONCERNING PLEA OF GUILTY

The United States of America and the Defendant, having both filed a written consent, appeared before me pursuant to Rule 11, Fed. R. Crim. P. and L. Cr. R. 11. The Defendant entered an open plea of guilty to Count 1 of the Indictment. After cautioning and examining the Defendant under oath concerning each of the subjects mentioned in Rule 11, I determined that the guilty plea was knowing and voluntary as to that count, and that the offense charged is supported by an independent factual basis concerning each of the essential elements of such offense. I further determine the United States of America has established the requisite nexus between the offense and the property it seeks in forfeiture. I, therefore, recommend that the plea of guilty be accepted, that a pre-sentence investigation and report be prepared, and that the Defendant be adjudged guilty and have sentence imposed accordingly.

October 24, 2016

Date

Stephen B. Jackson, Jr.

STEPHEN B. JACKSON, JR.
UNITED STATES MAGISTRATE JUDGE

NOTICE

Failure to file written objections to this Report and Recommendation within fourteen (14) days from the date of its service shall bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge. 28 U.S.C. 636(b)(1)(B).